UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/NGO/23
6 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Item 2 of the provisional agenda

# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1997]

Human rights violations in the Republic of Croatia
in the period January-July 1997

1. The International Federation for Human Rights (FIDH) and its member organization, the Civic Committee of Human Rights in Zagreb (CCHR) wish to draw the Sub-Commission's attention to the flagrant and systematic violations of human rights in Croatia, in particular concerning the return of refugees, the administration of justice, and freedom of expression.

2. The following information is based on the work of CCHR offices (in Zagreb, Porec, Karlovac and Sibenik), on facts gathered during regular visits to villages in the Krajina region, on exchange of data and information among similar organizations and on facts published in independent newspapers (such as Feral Tribune, Arkzin and Novi List).

**Return of refugees**

3. Whereas the Croats* who were expelled from Krajina or fled that country in 1991 are not, to our knowledge, victims of any major violation of fundamental human rights, such is not at all the case for Serb* returnees who fled Krajina in 1995 after the military action "Storm" carried out by the Croatian army. By April 1997, only a small number (around 2,000) of, mostly elderly, people had managed to return, with great administrative difficulties. After April 1997 and the agreement between Croatian President F. Tudjman and the head of the United Nations Transitional Administration J. Klein was signed at the end of March, Serbs who fled Krajina in 1995 for Eastern Slavonia started to return in greater numbers.

4. Many returnees find their houses either demolished or occupied by Croat refugees from Bosnia or by the retired members of the Croatian army who obtained them through the provisions of the Law on Temporary Takeover and Administration of Certain Property (National Gazette, 73/95). This law, which allows "lawful" takeover of private property from its legal owners, is contrary to the Croatian Constitution and to international agreements signed and ratified by Croatia.

5. Two persons, at least, were killed, and many were injured in trying to get into their houses, where, before their return, a "surprise mine" had been placed. Some houses were burnt down before the return of their owners. One house was hit by a missile immediately before the return of its owners; missiles can only be possessed by the army.

6. To our knowledge, none of these cases have been prosecuted, although some of the perpetrators are known to the entire village. This is due to the Law on Status of Refugees and Displaced Persons (National Gazette, 39/95),

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* Of course, CCHR does not divide Croatian citizens into Croats and Serbs, but, unfortunately, human rights in Croatia are usually violated according to ethnic principles.

which states that refugees or displaced persons who occupy other peoples' residences, even if it is by forcible evictions, cannot be prosecuted before the court.

7. Furthermore, returnees whose houses have not been destroyed are not even able to approach their houses owing to brutal threats by the people, usually armed, who have occupied them. Returnees (Serbs) as well as those who gave them shelter, have been beaten up, ill treated and, in one case, killed by those occupying their houses (for example in Plasko and in Hrvatska Kostajnica). The police do not interfere, claiming that these occupations are legal according to the Law on Temporary Takeover and Administration of Certain Property. Local politicians and State media gave support to these acts. Later, legal proceedings were started against 10 perpetrators, as a result of pressure from the international community.

8. Although the Law on Temporary Takeover and Administration of Certain Property guarantees the right to equal treatment, the Government of Croatia does not provide any kind of help to Serb returnees, nor to the Serbs who did not escape in 1995. Their cattle and agricultural machinery have been taken away or disappeared after the "Storm" action and their houses have been destroyed or damaged. However, to our knowledge, there is no example of Serb returnees obtaining a loan for the restoration of their houses. The Government of Croatia claims it is under no obligation to provide help to those Serbs (Croatian citizens of Serb ethnic origin) who came back to Croatia before the Tudjman-Klein agreement or without the consent of the Croatian Office for Refugees and Displaced Persons. Neither does the Law on Temporary Takeover and Administration of Certain Property regulate the return of Croatian Serbs who did not escape to Eastern Slavonia, but elsewhere (Serbia, Bosnia). President Tudjman stated publicly that they would be allowed to return only exceptionally.

9. The Government of Croatia also has the objective of occupying the empty houses of Serb refugees with Croats from Kosovo, who did not escape, but were invited by the Government of Croatia. Likewise, the Government gives away such houses to Croats who escaped from Bosnia to European countries, so that they can settle down in Croatia.

**Administration of justice**

10. Regarding the administration of justice, many violations of human rights continue to occur:

Employees in the State Prosecution Office have been dismissed on the basis of ethnic principles. Six prosecutors have been dismissed, all of them Croatian Serbs.

Murderers have been released without completing their sentences. For example, A. Gudelj, responsible for a series of murders, among others that of the head of the Osijek police in 1991, has been released by the Osijek court under the Act on Abolition, although this law does not cover such crimes.

Innocent persons have been sentenced. Such is the case of a Serb, M. Horvat, in Osijek, who has been sentenced to five years in prison for genocide of Croats in Baranja in the period 1991-1994, although it has been proved that after 1991 he was not in Baranja but worked in Germany.

Some people have been detained for more than 18 months without any notification of charges, in particular in Split, in the military prison "Lora".

People who had previously been released under the Act on Abolition have been detained for six months, without any additional evidence (CCHR registered eight cases in Karlovac).

A large number of valid court decisions are never implemented. Among all the persons who have been to court because they had been evicted from their residence by the Croatian army, and who have obtained a valid court decision enabling them to return to their property, no one has ever obtained the implementation of the decision. People who have been dismissed from work, for example in the Tax Office in Donji Miholjac, and who have obtained valid court decisions on the reversal of their dismissal, are still unemployed.

Cases of summary execution perpetrated by the Croatian army are not investigated. For instance, a crime in Pakracka Poljana, which was allegedly committed by T. Mercep, a former HDZ (Hrvatska Demokratska Zajednica) member of Parliament, and a crime in Gospic allegedly committed by T. Oreskovic, head of Perusic municipality, have never been investigated.

**Freedom of expression and the media**

11. The Government has total control over television networks and most daily newspapers. Critics of the actions of the authorities or of the ruling party are portrayed in the media as enemies of Croatia. This is a harsh and dangerous accusation in the atmosphere of euphoria and paranoia which have been created by the media themselves.

12. The Feral Tribune, a satirical newspaper, has been sentenced for pornography, whilst real pornographic magazines owned by HDZ politicians are published undisturbed.

13. This is of course not a complete survey of the situation of human rights in Croatia. A lot more could be said, in particular about the huge numbers of unemployed, about the violations of the human rights of workers implied by the Law on Labour, about retired persons who receive pensions which do not enable them to survive.

14. Although the situation in Croatia has improved compared to the situation during the war from 1991 to the end of 1995, flagrant and massive violations of human rights continue to occur, in spite of the commitments of the Government, which is a party to most international human rights instruments

and a member of the Council of Europe. There is also a big difference between the public statements made by the Government, especially those of the Ministry of Foreign Affairs, and the real situation, in particular in Krajina.

15. FIDH and the Civic Committee for Human Rights call upon the Croatian authorities to bring the legislation into conformity with the international human rights instruments to which Croatia is a party, to guarantee that, in practice, these instruments - which, in accordance with article 134 of the Croatian Constitution, have primacy over domestic legislation - are enforced. They request the international community to push for the implementation of these instruments in Croatia.

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